

**ORDINANCE NO. 16
SERIES 2006**

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF A PARCEL OF LAND DESCRIBED AS TRACT H, ACCORDING TO THE MAP SHOWING THE RELATIONSHIP BETWEEN FRED LONG TRACTS AND THE FORMER RAILROAD BOUNDARY LINE, RECORDED IN THE OFFICE OF THE GUNNISON CLERK AND RECORDER JUNE 6, 1962, AT RECEPTION NO. 251710, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO, FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-2M (DUPLEX/MULTI-FAMILY RESIDENTIAL) DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GUNNISON, COLORADO.

WHEREAS, Neil R. Singer and Laverna D. Singer, as owners of the property hereinafter described, have filed an application with the City of Gunnison, Colorado, seeking a change of zoning of said real property from R-1 (Single Family Residential) District to R-2M (Duplex/Multi-Family Residential) District; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held public hearings on said application pursuant to notice published in accordance with the City Code of the City of Gunnison, Colorado, on September 13, 2006, and October 25, 2006; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, recommended to the City Council the approval of the requested change of zoning by recommendation adopted October 25, 2006; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the requested change of zoning on November 28, 2006;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS:

Section 1. Based upon the application seeking rezoning of the property hereinafter described, the evidence presented to the City Council during the public hearing on the application seeking a rezoning of the property hereinafter described, and further, based on the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. That the proposed change in zoning is consistent with the Master Plan of the City of Gunnison in that utilities are currently extended to serve the real property and the change in zoning would more efficiently utilize the existing utility infrastructure, and the change in zoning will allow for an addition to the existing inventory of dwelling units within the City limits.
- B. That the purpose of Duplex/Multi-Family Residential zone district is to provide for relatively high-density single-family uses, among others. The proposed amendment and purported use of the property will be consistent with this purpose.
- C. That the surrounding land uses and zone districts are as follows:
 - 1. Northeast – A mobile home park and duplex residential unit upon property zoned C (Commercial).
 - 2. Northwest – Property is zoned R-3 (Multi-Family Residential), and is currently proposed for development.
 - 3. Southwest – Vacant piece of property zoned R-1 (Single Family Residential).
 - 4. Southeast across U.S. Highway 50 – Gunnison County Airport, an industrial use. Since this area is located outside of the incorporated limits of the City of Gunnison, it does not bear any zoning district classification.

- D. That the use of the subject property as R-2M (Duplex/Multi-Family Residential) is compatible with the surrounding land uses, serving as a transition between the mobile home park, a use permitted only in the R-3 (Multi-Family Residential) District, and the R-1 (Single Family Residential) District to the southwest of the subject property.
- E. That the mobile home park use located to the northeast of the subject property is a use that pre-dates the adoption of the current zoning district map of the City of Gunnison. The zoning district classification of the property on which the mobile home park is located of C (Commercial) does not allow for the use of the property as a mobile home park. This use is only permitted in an R-3 (Multi-Family Residential) District. The existing use constitutes a valid non-conforming use.
- F. That the actual uses of the surrounding neighborhood were not appropriately considered when the district boundaries were established in the existing zoning map. The neighborhood character has changed by expansion of airport facilities to the southeast across Highway 50 and is continuing to change as a result of the development of the West Gunnison Neighborhood, zoned R-3 (Multi-Family Residential).
- G. That the existing residential structure located on the subject property has not been connected to the City of Gunnison municipal water system.

Section 2. That based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines the rezoning of the property hereinafter described, upon the conditions set forth herein, is in the best interests of the City of Gunnison, Colorado, and its citizens.

Section 3. That the zoning classification of the real property described as Tract H, according to the MAP SHOWING RELATIONSHIP BETWEEN FRED LONG TRACTS AND THE FORMER RAILROAD BOUNDARY LINE, recorded in the office of the Gunnison County Clerk and Recorder on June 6, 1962, at Reception No. 251710, and also further described in the deed recorded in Book 344 at page 95 of the records of the Gunnison County Clerk and Recorder, City of Gunnison, County of Gunnison, State of Colorado, is hereby changed from R-1 (Single Family Residential) to R-2M (Duplex/Multi-Family Residential) District.

Section 4. That it is a condition of this change in zoning classification that both the existing and any new residential units constructed upon the property described herein be connected to the City of Gunnison municipal water distribution system.

Section 5. That the official zoning map of the City of Gunnison, Colorado, shall be amended to reflect the change in zoning district classification of the property.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 28th day of November, 2006, on first reading, and introduced, read, and adopted on second and final reading this 12th day of December, 2006.

Mayor

(SEAL)

ATTEST:

City Clerk